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16 COMMUNITY.COM, INC.

17 UNITED STATES DISTRICT COURT
18
19 CENTRAL DISTRICT OF CALIFORNIA

20 MICHAEL MCGINNIS and CYNDY
21 BOULTON, individually, and on behalf
of all others similarly situated,

22 Plaintiffs,

23 v.

24 COMMUNITY.COM, INC.,

25 Defendant.
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Case No. 2:23-cv-02426-SB-JPR

**DEFENDANT COMMUNITY.COM,
INC.'S STATEMENT OF RECENT
DECISION RELATING TO
MOTION TO DISMISS
PLAINTIFF'S COMPLAINT**

Date: September 15, 2023
Time: 8:30 a.m.
Court: Courtroom 6C
Judge: Hon. Stanley Blumenfeld, Jr.

Date Action Filed: March 31, 2023
Trial Date: August 5, 2024

1 Defendant Community.com, Inc. (“Community”) submits this Statement of
2 Recent Decision to inform the Court of the recently issued decision in *Toston v.*
3 *JetBlue Airways Corp.*, No. 2:23-cv-01156-SVW-E, 2023 U.S. Dist. LEXIS
4 148675 (C.D. Cal. Aug. 23, 2023). A true and correct copy of the decision is
5 attached as Exhibit A. The *Toston* decision is relevant to the portion of
6 Community’s Motion to Dismiss Plaintiffs’ Complaint based on Rule 12(b)(1) of
7 the Federal Rules of Civil Procedure. (ECF No. 32.) The motion is fully briefed
8 and set for hearing on September 15, 2023. (ECF No 55.)

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10 Dated: September 11, 2023

MORRISON & FOERSTER LLP

11 By: /s/ Tiffany Cheung
12 Tiffany Cheung

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14 ***Attorneys for Defendant***
15 ***Community.com, Inc.***
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